

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ALLY BANK, FIDELITY NATIONAL TITLE  
INSURANCE COMPANY, ET AL.,

**Plaintiffs,**

**vs.**

JAMES C. CASTLE AKA J. CHRISTOPHER  
CASTLE, *ET AL.*,

**Defendants.**

**Case No.: 11-CV-896 YGR**

**ORDER STRIKING AMENDMENT TO FOURTH  
AMENDED COMPLAINT, DKT. NO. 527**


The Court, on its own motion, **STRIKES** Plaintiffs' Amendment to Fourth Amended Complaint. (Dkt. No. 527.)

Plaintiffs attempt to substitute in two new defendants as "Doe 1 and Doe 2." As a preliminary matter, there is no Doe 1 named in the Fourth Amended Complaint. More significantly, the Federal Rules of Civil Procedure do not permit Plaintiffs to amend the complaint simply by way of filing an amendment without a prior order. Further, the allegations concerning the Doe defendants in the Fourth Amended Complaint are so insubstantial that any request to amend by simply substituting these new defendants into the complaint as Does would be futile, since no claim would apparently be stated against them without additional factual allegations.

The Clerk shall **STRIKE** Docket Number 527 from the record.

**IT IS SO ORDERED.**

**Dated: October 4, 2013**

  
YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE